

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----	X	
PIRELLI ARMSTRONG TIRE)	Case No. 1:07-cv-05862-RJH
CORPORATION RETIREE MEDICAL)	
BENEFITS TRUST, Derivatively on Behalf)	ECF
of MACY'S, INC.,)	
)	
Plaintiff,)	
)	
vs.)	
)	DEFENDANTS' NOTICE OF
)	MOTION TO DISMISS
TERRY J. LUNDGREN, KAREN M.)	
HOGUET, SARA LEVINSON, CRAIG E.)	
WEATHERUP, JOSEPH NEUBAUER,)	
JOSEPH A. PICHLER, JOYCE M. ROCHE,)	
MEYER FELDBERG, MARNA C.)	
WHITTINGTON, KARL M. VON DER)	
HEYDEN, WILLIAM P. STIRITZ, JOEL A.)	
BELSKY, DENNIS J. BRODERICK,)	
THOMAS G. CODY, THOMAS L. COLE,)	
JANET E. GROVE and SUSAN D.)	
KRONICK,)	
)	
Defendants,)	
)	
- and -)	
)	
MACY'S, INC., a Delaware corporation,)	
)	
Nominal Defendant.)	
-----	X	

PLEASE TAKE NOTICE that upon the accompanying Memorandum in Support Of Defendants' Motion To Dismiss The Shareholder Derivative Complaint, the Declaration of Michael A. Platt, dated November 8, 2007, and the exhibits annexed thereto; and on all the prior proceedings and matters of record in this case, defendants Terry J. Lundgren, Karen M. Hoguet, Sara Levinson, Craig E. Weatherup, Joseph Neubauer, Joseph A. Pichler, Joyce M. Roche, Meyer Feldberg, Marla C. Whittington, Karl M. von der Heyden, William P. Stiritz, Joel A.

Belsky, Dennis J. Broderick, Thomas G. Cody, Thomas L. Cole, Janet E. Grove, and Susan D. Kronick, by and through its undersigned counsel, will move the Court before the Honorable Richard J. Holwell, United States District Court Judge for the Southern District of New York, in courtroom 17B, at the United States Courthouse, 500 Pearl Street, New York, New York 10007, and at such time as the Court shall direct, for an order pursuant to Federal Rules of Civil Procedure 12(b)(6) and 23.1 dismissing the claims set forth in the Shareholder Derivative Complaint.

Dated: November 8, 2007

Respectfully submitted,

s/ John M. Newman, Jr.

John M. Newman, Jr. (JN-5426)

Geoffrey J. Ritts (GR-4270)

Michael A. Platt (MP-7423)

JONES DAY

North Point

901 Lakeside Avenue

Cleveland, OH 44114

Telephone: (216) 586-3939

Facsimile: (216) 579-0212

Arthur J. Margulies (AM-7777)

JONES DAY

222 East 41st Street

New York, NY 10017-6702

Telephone: (212) 326-3939

Facsimile: (212) 755-7306

Email: ajmargulies@jonesday.com

Attorneys for Terry J. Lundgren, Karen M. Hoguet, Sara Levinson, Craig E. Weatherup, Joseph Neubauer, Joseph A. Pichler, Joyce M. Roche, Meyer Feldberg, Marna C. Whittington, Karl M. von der Heyden, William P. Stiritz, Joel A. Belsky, Dennis J. Broderick, Thomas G. Cody, Thomas L. Cole, Janet E. Grove, and Susan D. Kronick.

CERTIFICATE OF SERVICE

The foregoing document was served on counsel of record on November 8, 2007 by electronic mail through the Court's CM/ECF system and by Federal Express to the following:

Thomas G. Amon
Law Offices of Thomas G. Amon
500 Fifth Avenue, Suite 1650
New York, New York 10110
Telephone: (212) 810-2431
Facsimile: (212) 810-2427
Email: tamon@amonlaw.com

Brian J. Robbins
Jeffrey P. Fink
Ashely R. Palmer
Robbins Umeda & Fink, LLP
610 West Ash Street, Suite 1800
San Diego, California 92101
Telephone: (619) 525-3990
Facsimile: (619) 525-3991
Email: notice@ruflaw.com

George E. Barrett
Douglas S. Johnston, Jr.
Timothy L. Miles
Barrett, Johnston & Parsley, LLC
217 Second Avenue North
Nashville, Tennessee 37201
Telephone: (615) 244-2202
Facsimile: (615) 252-3798

Mitchell F. Borger
Michael E. Kreitman
Joann Nelson
Macy's, Inc
151 West 34th Street
13th Floor
New York, NY 10001

s/ Arthur J. Margulies